

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON, AT SEATTLE

JOSEPH R. AMEDSON and SUSAN T.
RAISI, individually and as
husband and wife,
PLAINTIFFS,

v.

CITIBANK (SOUTH DAKOTA), N.A.,
a CEBA credit card bank, a
subsidiary of CITIBANK, N.A.,
a National Banking Associati-
on, a subsidiary of CITICORP,
a Delaware corporation, a
subsidiary of CITIGROUP INC.,
a Delaware corporation; and
PAYAM TV., INC., a California
corporation dba PERSIAN BAZAR,
a fictitious business name re-
gistered to PAYAM TV., INC.,
DEFENDANTS.

No. C07- 820 RSM

ORDER GRANTING PLAINTIFFS
AMEDSON'S MOTION FOR
PARTIAL SUMMARY JUDGMENT
AGAINST DEFENDANT CITIBANK
(SOUTH DAKOTA), N.A.

This matter having come on regularly before the Court pursuant to Rule 56(a) on motion of Plaintiffs Joseph R. Amedson and Susan T. Raisi for the entry of Summary Judgment holding Defendant Citibank (South Dakota), N.A., liable for damages under 15 U.S.C. § 1640(a) for violation of 15 U.S.C. § 1666e and for violation of the Washington Consumer Protection Act, Chapter 19.86 RCW, and the Court having considered all matters pursuant to Plaintiffs' Motion

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1 For Summary Judgment, including the following evidentiary materials:

- 2 1. Plaintiffs' verified Complaint;
- 3 2. Plaintiffs' Motion for Summary Judgment Holding Defendant Citibank (SD), N.A.,
4 Liable Under 15 U.S.C. § 1640(a) for Violation of 15 U.S.C. § 1666e and also Under the
Washington Consumer Protection Act, including the Declaration of Joseph R. Amedson and
5 Exhibits 1 and 2 appended thereto; and
- 6 3. The Court file compiled in this case.

7 And having read Plaintiffs' Motion for Summary Judgment and considered all materials
8 therein, and being otherwise fully apprised, and finding that there is no just reason for delay in
9 entering this Order; NOW THEREFORE,

10 **THE COURT FINDS AND CONCLUDES THAT:**

- 11 1. Defendant Citibank SD is a credit card issuer to, *inter alia*, Plaintiffs and is a
12 creditor under 15 U.S.C. § 1602 and is subject to the provisions of 15 U.S.C. § 1666e.
- 13 2. Defendant Citibank SD is subject to the civil liability imposed under 15 U.S.C.
14 § 1640(a) for any violation of 15 U.S.C. § 1666e.
- 15 3. Defendant Citibank SD failed to promptly and fully credit Amedsons' Citibank
16 MasterCard credit card account upon its receipt of Payam TV., Inc. dba Persian Bazar's June 29,
17 2006 credit statement as required by applicable federal regulations, including 12 CFR §
18 226.12(e)(2).
- 19 4. Defendant Citibank SD has no defenses to its failure to comply with the clear and
20 unequivocal mandate of the Federal Fair Credit Billing Act, 15 U.S.C. § 1666 *et seq.*
- 21 5. In addition, Defendant Citibank SD's failure to promptly and fully credit Plaintiff
22 Amedson's MasterCard credit card account as required by federal law constitutes an unfair act or
23 practice in commerce that is the cause of injury to the Amedsons in their property, i.e., monetary
24 and credit interests.
- 25 6. Defendant Citibank SD is liable to Amedson under both 15 U.S.C. § 1640(a) and
26 the Washington CPA, Chapter 19.86 RCW.

27 **AND BASED ON THE FOREGOING FINDINGS AND CONCLUSIONS, IT IS**
28 **HEREBY ORDERED, ADJUDGED, AND DECREED that:**

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1 A. Plaintiffs' Motion For Summary Judgment is **GRANTED** and Citibank SD is held
2 liable for monetary damages, including costs and reasonable attorney fees,
3 pursuant to 15 U.S.C. § 1640(a) and the Washington CPA, Chapter 19.86 RCW,
4 to the Plaintiffs Amedson in an amount to be determined in further proceedings
5 before this Court.
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7 DONE IN OPEN COURT this 21st day of February, 2008.
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12 RICARDO S. MARTINEZ
13 UNITED STATES DISTRICT JUDGE

14 Presented by:
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16 /s/ Rhys A. Sterling
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